IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10518 of 2005

Between:

J.R.Swamy, Conductor, E.113458, S/o. Rahaiah, H.No.11-1-71/2, Shanthi Nagar, Sirisilla, Karimnagar District.

..... PETITIONER

AND

1 The Regional Manger, APSRTC, Karimnagar Region, Karimnagar District.
2 The Divisional Manger, APSRTC, Karimnagar Division, Karimnagar District.
3 The Depot Manager, APSRTC, Huzurabad Bus Depot, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings No.02/104 (31) 88-HZBD dt.03-08-88 as illegal, arbitrary and unjust and consequently set aside the proceedings No.02/104 (31) 88 HZBD dt.03-08-88 issued by the 3 rd respondent and pass such further other order or orders as this Hon'ble Court may be deem fit and proper under the circumstances of the case.

Counsel for the Petitioner: MR.Y.SUBBA RAO

Counsel for the Respondent Nos.1 to 3: SMT.P.RAJANI REDDY

The Court made the following :

ORDER:

The writ petition is filed questioning the imposition of punishment of deferment of two increments with cumulative effect, without conducting the departmental enquiry against the petitioner by the respondents.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is not in dispute that the punishment has been imposed on the petitioner without conducting any departmental enquiry. It is well settled that imposition of major punishment must be preceded by a regular departmental enquiry.

Having regard to the facts and circumstances of the case, the major punishment of deferment of annual increments for a period of two years with cumulative effect imposed by the 3rd respondent can be reduced with slight modification.

Therefore, the impugned order of punishment is modified as deferment of two annual increments without cumulative effect.

The writ petition is disposed of accordingly. No costs.

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29-04-2005

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Copy to

1 The Regional Manger, APSRTC, Karimnagar Region, Karimnagar District.
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4 Two CD copies.